



STATE OF NEW JERSEY

In the Matters of Matthew
Bermudez, Police Officer (S9999U),
Linden

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2019-1649

List Removal Appeal

ISSUED: AUGUST 16, 2019 (SLK)

Matthew Bermudez, represented by Brian M. Gerstein, Esq., appeals his removal from the eligible list for Police Officer (S9999U), Linden on the basis that he possessed an unsatisfactory driving record.

The appellant took the open competitive examination for Police Officer (S9999U), which had an August 31, 2016 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant had an unsatisfactory driving record, among other issues.

On appeal, the appellant acknowledges that as a younger driver, he had several motor vehicle moving violations that led to his driver's license being suspended in 2008. The appellant indicates that his driver's license was restored in February 2009 and states the has not received a motor vehicle summons in the past 10 years. Therefore, the appellant argues that his name should be restored to the list.

In response, the appointing authority submits its background report. The report indicates that the appellant was terminated from employment from Pizza Hut in 2007 and Wells Fargo in May 2010 and he was disciplined during his employment with the appointing authority as a Public Safety Telecommunicator in 2013, 2014,

and 2017. Additionally, the appellant's certified driver's abstract indicates that his driver's license was suspended in 2006, 2008 and 2011.

In reply, the appellant reiterates his statement that he has not any driving blemishes on his record in over 10 years. Therefore, he argues that he does not currently have a driving record that shows a disregard for the law or that is incompatible with the duties of being a law enforcement officer.

In further response, the appointing authority presents that an internal investigation found that, in December 2018 in preparation for this appeal, the appellant ran and printed his own motor vehicle driver's abstract without permission in violation of departmental rules and regulations.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)7*, allows the Civil Service Commission (Commission) to remove an eligible's name from an eligible list for having a prior employment history which relates adversely to the title.

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. The Commission has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle violations reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

N.J.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C. 4A:4-4.7(d)*, provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant's certified driver's abstract indicates that his driver's license was suspended in 2006, 2008, and 2011. Additionally, he was terminated from employment in 2007 and 2010. Moreover, while working for the appointing authority as a Public Safety Telecommunicator, he was disciplined in 2013, 2014, and 2017. Finally, in December 2018, the appellant violated departmental rules and regulations by printing his own certified driver's abstract without permission. Therefore, the Commission finds that the appellant's

background is not suitable to be a Police Officer. In this regard, it is recognized that a Police Officer is a law enforcement employee who must enforce and promote adherence within to the law. Police Officers hold highly visible and sensitive positions within the community and that the standard for an applicant includes good character and an image of the utmost confidence and trust. It must be recognized that a municipal Police Office is a special kind of employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public. See *Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), cert. denied, 47 N.J. 80 (1966). See also *In re Phillips*, 117 N.J. 567 (1990).

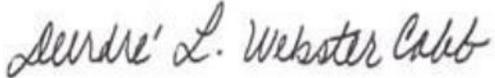
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999U), Linden eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 14th DAY OF AUGUST, 2019



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